

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GENARO CASTILLO SUAREZ,

Plaintiff,

v.

Case No. 2:20-cv-421-FtM-29NPM

COMMISSIONER OF SOCIAL
SECURITY

Defendant.

ORDER

Before the Court is Defendant's Opposed Motion for Stay of Proceedings (Doc. 13). Plaintiff filed a response in opposition (Doc. 15). In this Social Security case, Defendant requests the Court stay the proceedings for ninety days or until such time as the Agency regains capacity to produce a certified transcript of the administrative record necessary to draft an answer and adjudicate the case. (*Id.*, p. 1). Due to the current situation in this country, Defendant represents the Agency has transitioned to a telework environment, but encountered difficulties that impact the operations of the Social Security Administration's Office of Appellate Operations. (*Id.*, pp. 1-3).

Plaintiff argues the motion should be denied or, alternatively, a stay of only thirty days should be granted. (Doc. 15, pp. 2-3). And Plaintiff claims Defendant did not provide a status for preparing the transcript in this case or indicate the number of cases ahead of it. (*Id.*, p. 2). Plaintiff suggests this case should be given greater priority over those cases in which the Defendant's stay motions went unopposed. (*Id.*, p. 3).

A court has broad discretion whether to stay a proceeding “as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707. Here, the Commissioner has provided good cause to extend the deadline to file the certified transcript and answer. But the Court finds a ninety-day extension would cause undue delay. The Court will extend the deadline to file the certified transcript and answer by sixty days.

Accordingly, it is **ORDERED** that the Opposed Motion for Stay of Proceedings (Doc. 13) is **GRANTED in part and DENIED in part**. The Court extends the deadline for Defendant to file a certified transcript and answer to **November 23, 2020**.

DONE and **ORDERED** in Fort Myers, Florida on October 2 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE